



City of McMinnville
Planning Department
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EXHIBIT 2 - STAFF REPORT

DATE: February 18, 2021
TO: Planning Commission
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: PUBLIC HEARING: ZC 2-20 (Zoning Text Amendment) and TML 2-20 (Three Mile Lane Development Review for a McDonald's restaurant at 225 NE Norton Lane)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This proceeding is a combined quasi-judicial public hearing of the Planning Commission to consider two separate and distinct applications: a Zoning Text Amendment (ZC 2-20) amending the Three Mile Lane Planned Development Overlay Ordinance (Ordinance No. 4131 as amended by Ordinance No. 4572) and a Three Mile Lane Development Review (TML 2-20) for a McDonald's Restaurant in the Three Mile Lane Planned Development Overlay District.

The applications have been submitted concurrently, and are therefore subject to the hearing procedure that affords the most opportunity for public hearing and notice. Although the applications support the applicant's goal of redeveloping an existing restaurant site, they each need to be treated as individual decisions and are governed by different regulations and criteria. The order of consideration and approval should be:

1. Zoning Text Amendment (ZC 2-20)
2. Three Mile Lane Development Review (TML 2-20)

Planning Commission is making a recommendation to the City Council for both applications. The approval of Three Mile Lane Development Review (TML 2-20) is contingent upon the approval of Zoning Text Amendment (ZC 2-20).

Attachments:

Attachment A: ZC 2-20 Decision Document

Attachment B: ZC 2-20 Application

Attachment C: TML 2-20 Decision Document

Attachment D: TML 2-20 Application

Attachment E: Three Mile Lane Planned Development Overlay Ordinance (Ord. Nos. 4131 and 4572)

ZC 2-20 considers the amendment of the Three Mile Lane Planned Development Overlay Ordinance (Ordinance No. 4131 as amended by Ordinance No. 4572) to allow additional freestanding signs for businesses that employ drive-up service within Zone 2 of the Overlay District. The following language is proposed to be added to Section 5B of the Three Mile Lane Planned Development Overlay which regulates signage on commercially and industrially designated properties within Zone 2:

“Additional freestanding signs are permitted with businesses that employ drive-up service. One such sign, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary sign, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding sign that has copy facing toward a public street shall be located a minimum of thirty (30) feet from that street’s property line. Wall mount signs shall be exempt from this.”

The proposed amendment is based on language found in McMinnville Municipal Code (MMC) Chapter 17.62 – Signs, which currently does not apply to land in the Three Mile Lane Planned Development Overlay.

TML 2-20 considers approval of Three Mile Lane Development Review to allow for the construction of a second drive-through service lane and additional associated signage at an existing McDonald’s restaurant.

Background:

Subject Property & Request

The proposed Zoning Text Amendment (ZC 2-20) would amend signage regulations for commercial and industrial properties within Zone 2 of the Three Mile Lane Planned Development Overlay District to allow additional freestanding signs for uses that employ drive-up service. **See Exhibits 1 & 2.** Commercially designated properties border the north side of Highway 18 within Zone 2. Properties in the northern portion of Zone 2 are residential. All properties south of Highway 18 within Zone 2 are also commercially designated. Commercial uses south of Highway 18 include the Comfort Inn & Suites hotel, The Diner restaurant, and the Altimus Plaza office center. Commercial uses north of Highway 18 include a McDonald’s restaurant, Red Lion Hotel, and a welding supply store. Currently, the McDonald’s restaurant is the only commercial use that employs drive-up service.

The McDonald’s restaurant, the subject property for the proposed Three Mile Lane Development Review (TML 2-20) is located at 225 NE Norton Lane. **See Exhibit 3.** The site is currently developed with a restaurant use that employs one (1) drive-up service lane. The application is for the approval of a re-development of the McDonald’s site to include the addition of a second drive-up service lane with associated additional freestanding signage that would be allowed by the adoption of Zoning Text Amendment ZC 2-20. **See Exhibit 4.** The subject property is bordered by commercially zoned land to the east and west, residentially zoned land to the north, and by the Highway 18 right-of-way immediately to the south.

Neighborhood Meeting

Neighborhood meetings are not required for Zoning Text Amendment or Three Mile Lane Development Review applications as specified in Chapter 17.72 of the Zoning Ordinance.

Discussion

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Summary of Criteria for ZC 2-20

Zoning Text Amendments are not typically initiated by property owners, and there aren't specific review criteria for Zoning Text Amendments found in the Zoning Ordinance. At the request of the applicant, a Zoning Text Amendment application was created, and review criteria consistent with MMC Section 17.72.020 – Application Submittal Requirements were provided. In accordance with Section 17.72.020(G), the Planning Director, required materials to demonstrate compliance with the following three criteria:

1. The proposed change is consistent with the relevant goals and policies of the McMinnville Comprehensive Plan and this code.
2. There is a public need for a change of the kind in question.
3. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Summary of Criteria for TML 2-20

The application is subject to the policies and procedures of the Three Mile Lane Planned Development Overlay district (adopted by Ordinance No. 4131 and amended by Ordinance No. 4572). Section 4 includes the following policies that regulate development within the Three Mile Lane Planned Development Overlay district:

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.
- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:
 1. The minimization of entrances onto Three Mile Lane;
 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.
 4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.
- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.
- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380).

In addition, Section 5 includes standards for permanent signage within the Three Mile Lane Planned Development Overlay district. Section 5 is proposed to be amended by ZC 2-20 allow and regulate additional freestanding signs for commercial uses that employ drive-up service.

Summary of Issues for ZC 2-20

The owner of the McDonald's restaurant at 225 NE Norton Lane wishes to redevelop the property to add a second drive-thru lane in response to increased public demand, due in large part to changing social

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habits and consumer patterns triggered by the ongoing COVID-19 pandemic. However, the Three Mile Lane Planned Development Overlay (adopted by Ordinance No. 4131 in 1981 and amended by Ordinance No. 4572 in 1994) only allows only one (1) freestanding sign per commercial property within the area designated as Zone 2, where the McDonald's is located. This prohibits the addition of a second drive-thru lane with freestanding signs such as a Menu Board and Order Board.

The chapter of the Zoning Ordinance that regulates signage throughout the City (MMC Chapter 17.62 – Signs) was amended in 2016 to include language permitting and regulating additional freestanding signs for businesses that employ drive-up service to address this issue elsewhere in the City. However, Chapter 17.62 does not apply to the Three Mile Lane Planned Development Overlay per MMC 17.62.020. Without an amendment to the language of the Three Mile Lane Planned Development Overlay Ordinance, the restaurant owner would be limited in the signs, and therefore, drive-thru order stations allowed on the site. Therefore, the applicant initiated the Zoning Text Amendment process to introduce the same language that was added to the signs Chapter in 2016 to the Three Mile Lane Planned Development Overlay that was last updated in 1994. The goal is to provide the flexibility for businesses to respond to shifting consumer demands.

The proposed amendment would allow up to two (2) additional signs per drive-up service lane/order station. Each sign would have height and area restrictions appropriate to signs used for this purpose. The proposed amendment would not alter other existing sign regulations within the Three Mile Lane Overlay, nor would it change the existing review procedure that requires all development and signage to be reviewed and approved by the Three Mile Lane Review Committee. The limited applicability of the proposal (impacting only commercial or industrial properties in Zone 2) would make just ten (10) properties potentially eligible for additional signage. Of those ten (10) properties, only one (1) currently has a business that employs drive-up service – the McDonald's restaurant at 225 NE Norton Lane.

Summary of Issues for TML 2-20

The applicant's proposal to add a second drive-thru service lane and associated signage to an existing restaurant is subject to is contingent upon the approval and adoption of the Zoning Text Amendment ZC 2-20. Without the approval of ZC 2-20, the necessary signs to support a drive-thru service lane would not be allowed.

The redevelopment of the site to accommodate a second drive-thru lane includes reorganization of on-site circulation and parking, relocation of the solid waste and recycling enclosure, and the provision of new landscaping around the site. Proposed site development changes meet applicable standards and guidelines for on-site parking and solid waste/recycling enclosure plans. The applicant submitted a Landscape Plan Review application (L 30-20) prior to these concurrent applications to the Landscape Review Committee for review. The Landscape Review Committee approved the Landscape Plan and praised the overall site design.

Proposed signage to support two (2) drive-thru service lanes is generally consistent with the standards and objectives of the Three Mile Lane Planned Development Overlay. Proposed Digital Pre-Browse Boards exceed the height proposed in Zoning Text Amendment ZC 2-20, so a condition of approval requiring compliance with height standards is recommended. Staff finds the proposed signage is of a quality and design that is suitable for the proposed site, and is compatible with the use. All proposed signage is located to have minimal impact on neighboring properties and the public right-of-way.

Public Comments

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Notice of the proposed applications was mailed to property owners and published in the newspaper. As of the date of this Staff Report, the following public comments were received:

- ZC 2-20
 - No comments received
- TML 2-20
 - Email from Dorothy McQueen on February 1, 2021 expressing concerns about sight, sound, and security issues with increased parking lot traffic and questioned if McDonald's is improving the fence along the north property line.
 - Staff Response: The northern property line of the McDonald's property has an existing mature hedge that creates a solid screen in front of a solid wooden fence that appears to be in fair condition.

Agency Comments

Notice of the proposed applications was sent to affected agencies and departments. Agency comments were received from the McMinnville Building and Engineering Departments, McMinnville Water and Light, and Comcast. They responded with no comments.

Fiscal Impact:

Not Applicable

Planning Commission Options for ZC 2-20 (Zoning Text Amendment) and TML 2-20 (Three Mile Lane Development Review) – each to be voted on separately:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

Staff Recommendation:

Staff has reviewed the proposals for consistency with the applicable standards and criteria. Absent any new evidence to the contrary presented during the hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Documents, the applications submitted by the applicant and the records contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of both applications, subject to the conditions specified in the attached Decision Documents.

Suggested Motion for ZC 2-20:

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BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 2-20.

Suggested Motion for TML 2-20:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE TML 2-20, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

JF

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Exhibit 1: Three Mile Lane Planned Development Overlay, Zone 2

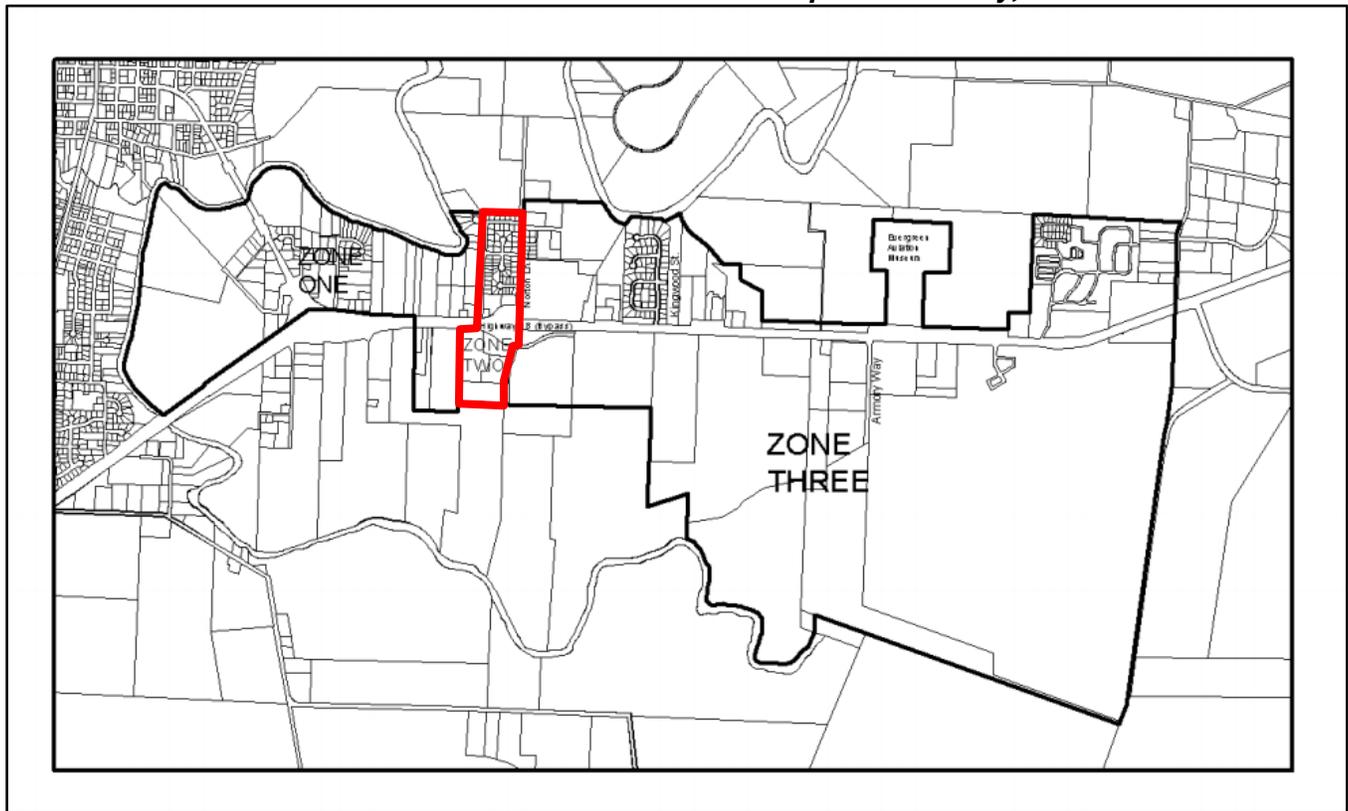


Exhibit 2: Three Mile Lane Planned Development Overlay, Zone 2 – Zoning

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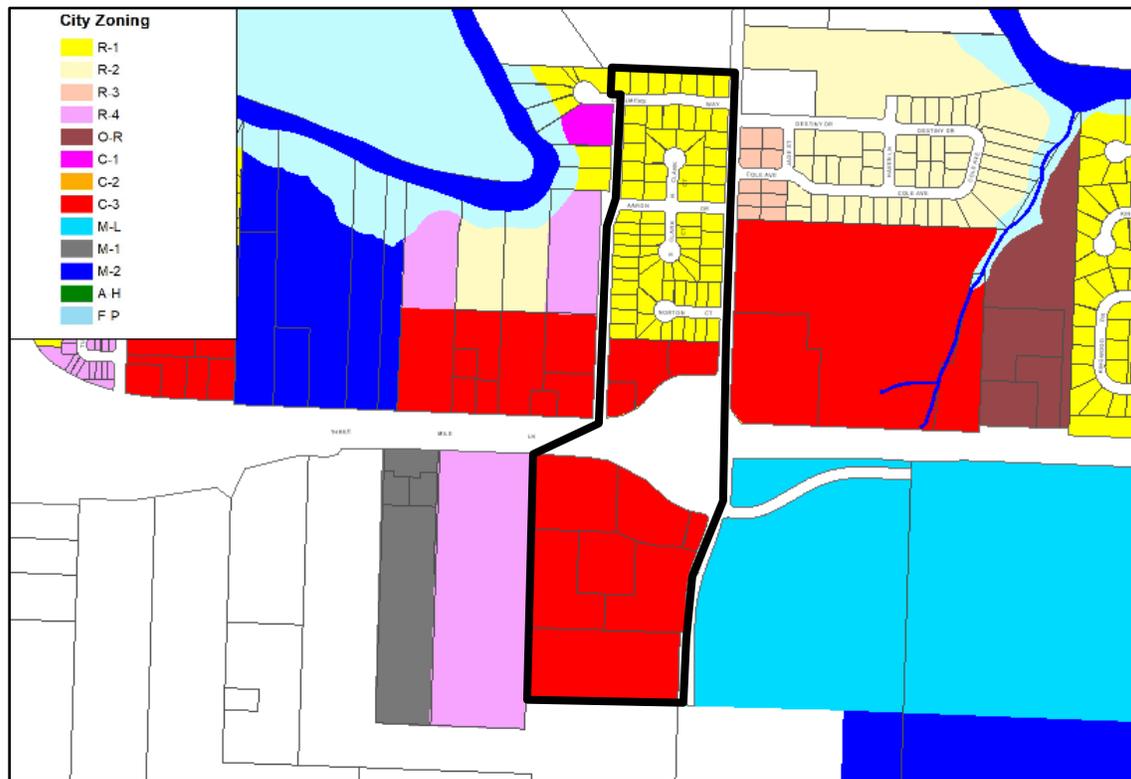
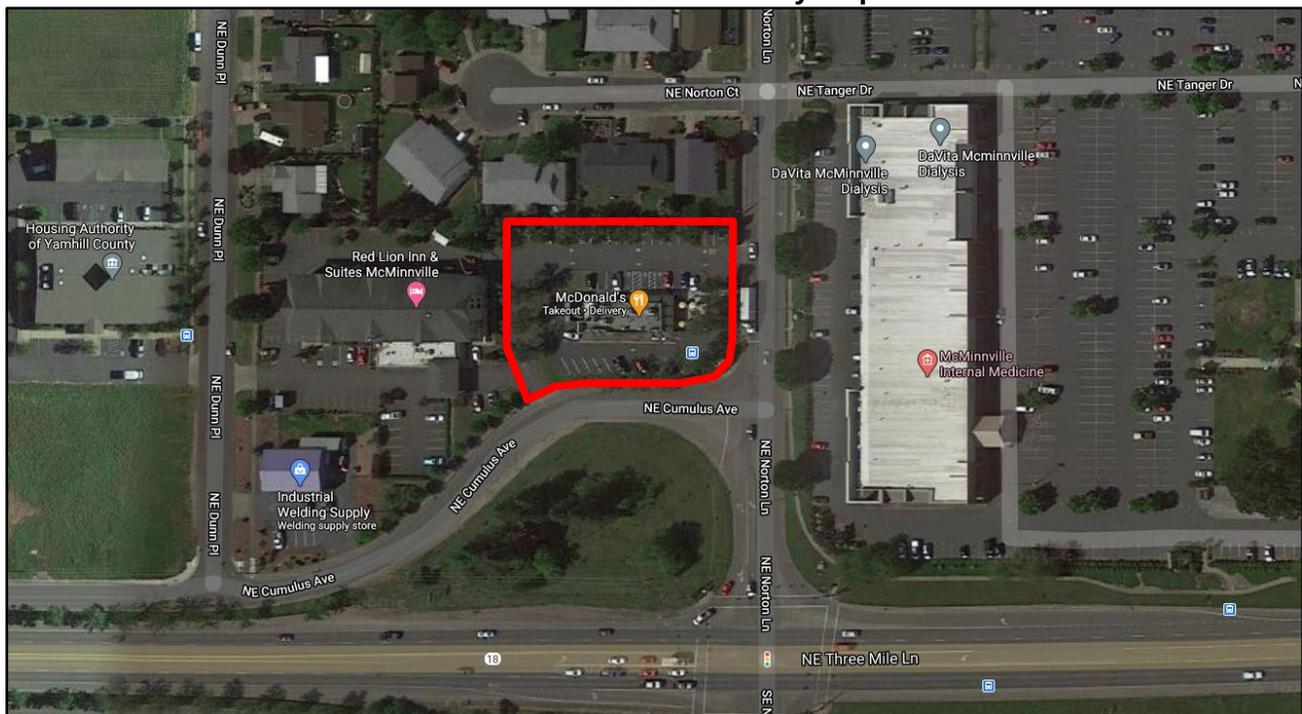


Exhibit 3: TML 2-20 Vicinity Map



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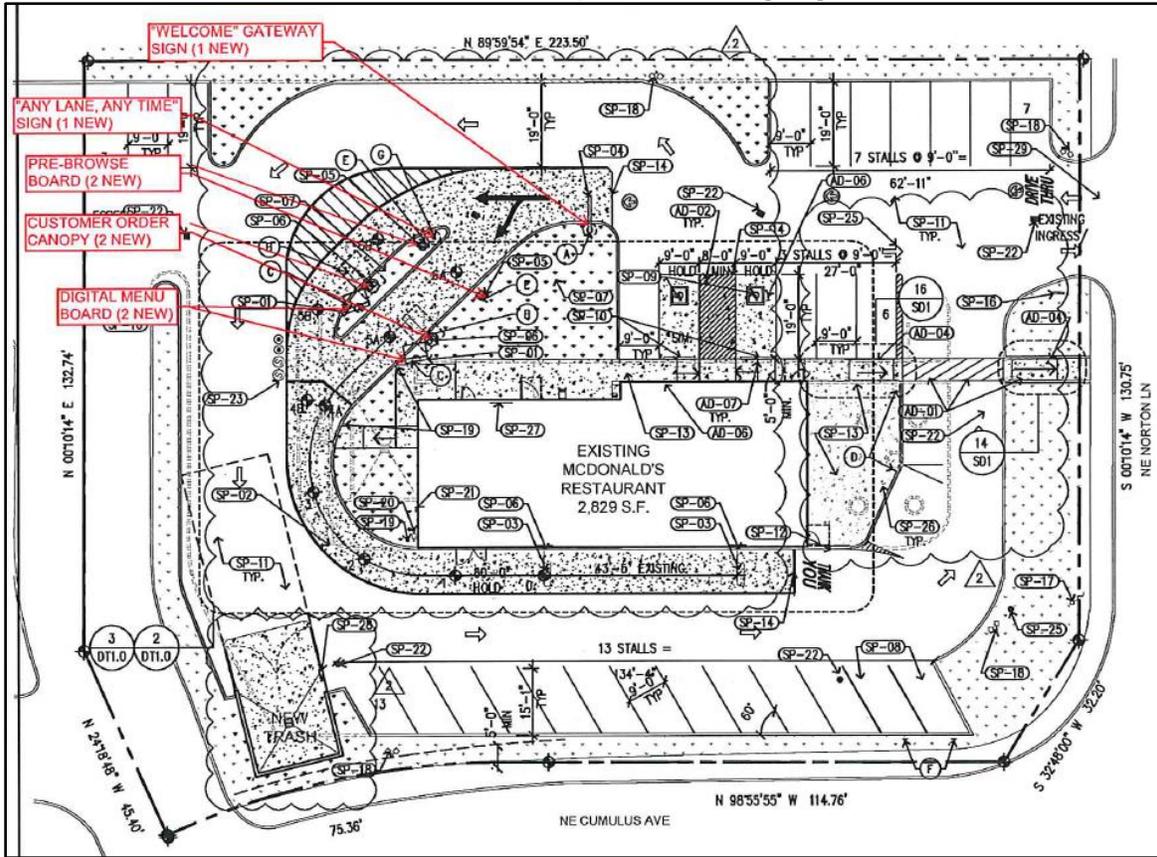
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Exhibit 4: TML 2-20 Proposed Site/Signage Plan



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